

OCT 17 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

VIA CERTIFIED MAIL
No. 7015-3010-0000-3883-2733
RETURN RECEIPT REQUESTED

LeRoy Moore
President
Unitek Environmental Guam
P.O. Box 24607
Piti, Guam 96925

RE: Request for Information under Clean Water Act Section 308(a) – Unitek Environmental Guam, EPA Docket No. CWA-308-9-17-002

Dear Mr. Moore:

Based on our records, the U.S. Environmental Protection Agency, Region IX (“EPA”) has not received discharge monitoring reports (“DMRs”) from Unitek Environmental Guam (“Unitek”). The National Pollutant Discharge Elimination System Permit, GU0020346, (“NPDES Permit”) requires Unitek to submit DMRs to report effluent monitoring results to EPA. From April 2012 to September 2012, January 2013 to August 2013, and the month of January 2016, EPA did not receive the required monthly DMRs from Unitek for each Outfall.

Further, Unitek exceeded its Maximum Allowable Discharge Limit for phosphate from Outfall 001 in June and July of 2014, and in July and September of 2015. Per the NPDES Permit, Unitek is required to submit a written description of the noncompliance, the period of noncompliance, its cause, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, as described in Permit Part III.C. The NPDES program operates through discharger self-reporting. Therefore, proper discharge monitoring and reporting is a central tenet to ensuring compliance and elimination of hazards to public health and the environment.

The attached Request for Information will help EPA assess Unitek’s compliance with the NPDES Permit. This Request for Information encompasses the monitoring and reporting requirements of the NPDES Permit and covers the time period of July 2012 to the present. Pursuant to the Agency’s information-gathering authority under Section 308 of the Clean Water Act (“CWA”), 33 U.S.C. § 1318, EPA hereby requests that Unitek provide the information specified in the attached Request for Information, Attachment 1, **by November 30th 2016.**

Please send your response by certified mail, return receipt requested, to the following addresses:

Michael Weiss
U.S. Environmental Protection Agency, Region IX
Enforcement Division (ENF 3-1)
75 Hawthorne Street
San Francisco, CA 94105
weiss.michael@epa.gov

and

Maricar Quezon
Guam EPA
PO Box 22439
Barrigada, Guam 96923
Maricar.Quezon@epa.guam.gov

All submittals in response to this letter must be accompanied by the following certification signed by a responsible officer in accordance with 40 C.F.R. § 122.22:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

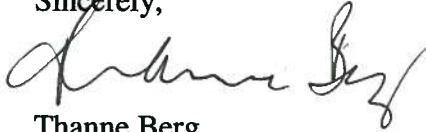
Unitek may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 C.F.R. Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

Failure to comply with this Request for Information can result in enforcement action for appropriate remedy, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Request for Information does not relieve Unitek of its obligation to comply with the CWA or other applicable laws and permits.

The Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a “collection of information” under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this letter as it is a matter of public health and protection of vital environmental resources. If you have any questions regarding this Request for Information, please contact Michael Weiss of the Enforcement Division at 415-947-4570 or weiss.michael@epa.gov. Please direct legal questions regarding this Request for Information to Desean Garnett of the Office of Regional Counsel at 415-972-3046 or garnett.desean@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thanne Berg', with a stylized flourish at the end.

Thanne Berg

Acting Assistant Director, Water & Pesticides Branch
Enforcement Division

Enclosure

cc (via email): Yvette Cruz, Acting Administrator, Guam EPA

ATTACHMENT 1: Request for Information, EPA Docket No. CWA-308-9-17-002

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region IX (“EPA”) requires Unitek Environmental Guam (“Unitek”) to provide to EPA the information described below (“Request for Information”) for its mobile treatment plant. This Request for Information in no way alters or relieves Unitek of other legal responsibilities or restrictions imposed on operations at the facility at the federal, territory, or local government level.

DEFINITIONS

The following terms shall have the following definitions for this Request for Information:

1. “Document” means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. “NPDES Permit” means the National Pollutant Discharge Elimination System Permit, GU0020346.

REQUEST FOR INFORMATION

Please provide the following documents, information, and communications. If no such document, information, and/or communication exist, then so state explicitly.

1. By November 30th 2016, Unitek shall provide monthly Discharge Monitoring Reports (“DMRs”), as required by NPDES Permit Part III.D.7, which were omitted during from April 2012 to September 2012, January 2013 to August 2013, and the month of January 2016. The monitoring results shall be reported on EPA Form 3320-1, a pre-printed DMR form. For each DMR, Unitek shall indicate the date that it completed the DMR. If the DMR was sent to EPA prior to receipt of this Request, Unitek shall provide evidence of when and how the DMR was sent to EPA.
2. By November 30th 2016, Unitek shall provide records for effluent monitoring conducted at Outfalls 001, 002, 003, and 004, required by NPDES Permit Parts I.A and III.A, which were omitted from April 2012 to September 2012, January 2013 to August 2013, and the month of January 2016. Records are required by NPDES Permit Parts III.D.7 and Attachment A.

3. If Unitek cannot produce DMRs or effluent monitoring data as requested by subparagraphs 1 and 2 above, Unitek shall submit the following by November 30th 2016:
 - a. A list of dates that Unitek discharged treated bilge water from vessels that are cleaned during routine maintenance, repair, or decommissioning and facility wastewater contaminated by used oil to Apra Harbor (Outfalls 001-003) and/or from the proposed relocation of Outfall 001 to Apra Harbor (Outfall 004) from April 2012 to September 2012, January 2013 to August 2013, and the month of January 2016; and
 - b. For each day of discharge from Outfalls 001, 002, 003, and/or 004 from April 2012 to September 2012, January 2013 to August 2013, and the month of January 2016, a description of the discharge through each outfall by providing (a) volume, (b) frequency (e.g., intermittent, continuous), and (c) content (e.g., treated bilge water from vessels that are cleaned during routine maintenance, repair, or decommissioning, and/or facility wastewater contaminated by used oil).
4. Provide a copy of the Quality Assurance (QA) Manual as required by Permit Part III.D.3-4 for EPA review. If Unitek has completed a QA Manual, then Unitek shall indicate the date that it was completed.
5. Provide a copy of the most recent version of the Pollution Prevention Plan as required by Permit Part IV along with any attachments referenced in the Plan. If an earlier version of the Pollution Prevention Plan was sent to EPA prior to receipt of this Request, Unitek shall provide evidence of when and how the Plan was sent to EPA.
6. Provide written description(s) of the phosphate exceedances from Outfall 001 in June and July of 2014, as well as July and September of 2015 as described by Permit Part III.C and in accordance with 40 CFR 122.41(l)(6)(i), (ii), and (iii). The written submission(s) shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. If the written submission(s) was sent to EPA prior to receipt of this Request, Unitek shall provide evidence of when and how the written submission(s) was sent to EPA.